

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. WMN-01-2872
v.	)	
	)	
WARFIELD-ROHR CASKET	)	
COMPANY, INC.	)	
	)	
Defendant.	)	
_____	)	

**EEOC'S SECOND MOTION IN LIMINE TO PRECLUDE  
THE TESTIMONY OF MARSHA AYRES**

The Equal Employment Opportunity Commission respectfully moves this Court for an order in limine excluding the testimony of Marsha Ayres. In support of this Motion, the Commission states as follows:

1. On February 7, 2005, EEOC moved for an order in limine excluding the testimony of Marsha Ayres and other witnesses identified by Defendant as witnesses in this case in the parties' proposed pretrial order. As grounds for that motion and incorporated herein, EEOC asserts that despite the EEOC's Interrogatory Nos. 6 seeking Defendant's identification of individuals with knowledge of the facts of the case, Defendant failed to identify Marsha Ayres.
2. Marsha Ayres is the widow of Howard Ayres, the alleged discriminator.
3. On February 10, 2005, the Commission learned for the first time, at the pretrial conference, that Defendant intended to call Marsha Ayres, at trial to testify about

the history of Warfield-Rohr Casket Company, Inc. Defendant also indicated that Marsha Ayres' testimony might not be limited to the company's history.

4. Marsha Ayres did not witness or have any involvement whatsoever in the alleged age discrimination at issue in this case.
5. Evidence of the history of the company is irrelevant. To the extent that this Court deems the company's history relevant, EEOC agrees to stipulate the facts regarding the company's history.
6. Most importantly, the Commission would be unduly prejudiced by the testimony of Marsha Ayres, as the widow of the alleged discriminator.
7. The grounds for this motion are set forth more fully in the accompanying Memorandum of Law.

Respectfully submitted,

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\_\_\_\_\_/s/\_\_\_\_\_  
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